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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,727	04/13/2000	Johan C. Talstra	PHN-17.410	7176

24737 7590 06/16/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,727

Applicant(s)

TALSTRA ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-21 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments filed 1/27/05 have been fully considered but they are not persuasive.

{A} In re pages 8-11, applicant states, that the MPEG decoder computes, but there is no derivation.

The claims recite,

"deriving by the reading device", claim 7;
"deriving a first characteristic from the information".

The reason why the wording deriving is met, is because of the scope of the word derive or deriving.

The definition of the word derive, one definition can be, "to obtain from a specified source", therefore, the MPEG decoder is provided with a source, which a watermark is derived from the source, according to page 9, "watermark detection takes place in the external MPEG decoder, wherein the compliant MPEG decoder 57 returns the watermark with appropriate signatures, wherein the drive checks whether the ticket is valid for content with that watermark, therefore, the watermark is checked, at the drive after being derived from the data received at the MPEG decoder, sent back to be verified at the drive to control the switch 54, wherein the carrier 51 carrying a physical and video content watermark, when played, reading means 53 detects the watermark and also the video content watermark.

Further in combination with the abstract, "the separate decoder communicates the watermark information against further supplemental information via a link to the playback device, the playback device checks the watermark information against supplemental information, such as a physical mark on the carrier or control signal, therefore, the player derives either the physical or control signal representing the watermark to compare with the derived watermark from the decoder and controls the switch by comparing derived watermarks from the carrier, based on the passages cited and Fig. 5, as understood.

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{B} In re page 11, applicant further states, "Linnartz does not disclose or suggest, a verification unit that receives characteristics transmitted by the reading device to the applicant device and verifies the characteristics through comparison."

In response see above & the abstract and page 9. Page 9 content can be signed by the drive 52, wherein the decoder 57 returns a watermark and appropriate signatures, then the drive checks or a comparison or a verification unit, a ticket is valid for that watermark, therefore based on these passages the examiner fails to agree.

After a careful consideration the examiner further rejects claims 1-4, wherein claims 1-4 are similar to previously deemed and newly deemed reject-able claims in view of the prior art, objects to claims 5-6, the examiner apologizes for the previously deemed allowable subject matter of the last action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-8, 12-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Linnartz et al. (PCT WO 99/11064).

The examiner incorporates by reference the last detailed action against the claims.

This header has been modified to include claims 17-18, which were clearly addressed, in the section after this header in the last action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (WO 99/11064) in view of Cox et al. (US 5,915,027).

The examiner incorporates by reference the last detailed action against the claims.

The examiner after a careful consideration of all claims and scope, further rejects claims 1-4, 6 and 9 and 11, in view of claim 10, wherein continues reporting is obvious in view of having watermarks per image, further, wherein in accord to page 9, watermark detection takes place in the external MPEG decoder, the information about the presence of the watermark and possible the supplemental information carried by the watermark is transferred back to the drive via link 56, wherein one an embodiment the drive 52 electronically signs the content and "the MPEG decoder 57 returns a watermark and appropriate signatures", therefore, the drive 52 receives the returned derived watermarks of the received content from the decoder, wherein the drive checks the ticket for content with that watermark, since signatures and watermarks are returned therefore, a summaries are generated or more than one piece of data, watermark and signatures {or at least three}, therefore, a summary, which are characteristics, wherein this information is secret, further according to the abstract the physical as well

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as the control signal being the electronic version can be used, claim 6.

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art discloses optical discs having sectors and MPEG, but, the prior art fails to teach, disclose or fairly suggest, the combination as claimed,

0 storing in a plurality of sectors in MPEG format on a optical carrier, and the selection of sectors of information to be summarized is based on the values of the SCR field of the sectors.

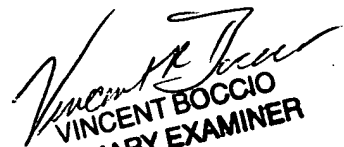
Contact Fax Information

Any response to this action should be faxed to:
(703) 872-9306, (for communication intended for entry)

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
6/11/05


VINCENT BOCCIO
PRIMARY EXAMINER